

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE)	
)	
v.)	I.D. #9703005786
)	
JAMES G. TRUMP, SR.,)	
)	
Defendant)	

Submitted: May 16, 2006
Decided: July 5, 2006

Upon Defendant's Second Motion for Postconviction Relief.
SUMMARILY DISMISSED.

ORDER

Susan B. Purcell, Esquire, Deputy Attorney General, Department of Justice,
Wilmington, Delaware, Attorney for the State.

James G. Trump, Sr., Georgetown, Delaware, *pro se*.

COOCH, J.

This 5th day of July, 2006, upon consideration of Defendant's second motion for postconviction relief, it appears to the Court that:

1. James G. Trump, Sr. ("Defendant") was convicted on July 8, 1998, after a 5-day jury trial, of fifteen counts of Unlawful Sexual Intercourse First Degree. On December 4, 1998, Defendant was sentenced to 225 years at

Level V. Defendant appealed his convictions to the Delaware Supreme Court, which affirmed the convictions on June 9, 2000.¹

2. On September 6, 2000, Defendant filed his first motion for postconviction relief, but he later requested to have that motion withdrawn, which the Court permitted on January 30, 2001. Defendant then waited almost three years, until December 15, 2003, to file another motion for postconviction relief. Defendant then filed an amended motion for postconviction relief on January 22, 2004. This Court ultimately denied Defendant's amended motion as it was filed beyond the three-year statute of limitations period.² On appeal, the Delaware Supreme Court affirmed.³

3. Defendant filed this motion for postconviction relief, his second, pursuant to Superior Court Criminal Rule 61 on June 6, 2006. Defendant sets forth three claims in support of his motion, which are restated here *in toto*:

1. Creditable [sic] of witness/Multiplicitous.

Witness made false statements of charges. The stacking of charges [sic].

¹ *Trump v. State*, 753 A.2d 963 (Del. 2000) (holding that it was not plain error to allow the prosecutor to vouch the credibility of the child victim during closing argument or to admit evidence of defendant's prior uncharged sexual misconduct with the victim, and that impeachment of defendant through specific acts was permissible).

² *State v. Trump*, 2004 WL 1874691 (Del. Super.) (denying defendant's motion for postconviction relief as time-barred), *rearg. denied*, 2004 WL 2827958 (Del. Super.).

³ *Trump v. State*, 2005 WL 583749 (Del. Supr.) (affirming trial court's denial of defendant's motion for postconviction relief as the motion was time-barred and no "miscarriage of justice" existed to override bar, and as the trial court committed no error in denying defendant's motion for reargument).

2. Suppression of favorable evidence/uncharged acts.

No medical or physical evidence of victim. Was charged with 35 counts and was found guilty of only 15, 9 of which I was acquitted of [sic] before trial. Mother told her victim he had no testicles [sic].

3. Ineffective counsel (lawyer).

A Plea was offered for 7 years and I was never informed of a plea. Motions were never filed for Rule 16 or Rule 9. Never told me what a plea was. Never object to things in trial.

No further facts or any legal authorities were set forth other than the above.

Upon review of Defendant's motion, it is plain that Defendant is not entitled to relief as all of the above grounds are conclusory. Thus, the motion is

SUMMARILY DISMISSED.

3. Superior Court Criminal Rule 61(d)(4) provides that "[i]f it plainly appears from the motion for postconviction relief and the record of prior proceedings in this case that the movant is not entitled to relief, the judge may enter an order for its summary dismissal and cause the movant to be notified." Defendant's motion for postconviction relief will be summarily dismissed where no facts supporting Defendant's contentions are offered and the claims are conclusory.⁴

4. It is plain from the motion and the record that none of Defendant's claims entitle him to relief as they are completely conclusory. Defendant's

⁴ *State v. Cooper*, 2001 WL 1729147 (Del. Super.) (summarily dismissing defendant's claims of false testimony and ineffective assistance of counsel as defendant did not offer supporting facts and the claims were conclusory). *See also Jordan v. State*, 1994 WL 466142 (Del. Supr.); *State v. Brittingham*, 1994 WL 750341, * 2 (Del. Super.) (citing *Younger v. State*, 580 A.2d at 556 (holding that conclusory allegations are legally insufficient to prove ineffective assistance of counsel)).

first claim of false statements by a witness fails to identify either the false statements or the witness. Defendant provides no factual basis for his claim and, thus, it is conclusory. The second claim is also conclusory because Defendant fails to set forth the evidence that was alleged to have been wrongfully “suppressed”; nor does the motion set forth legal grounds for why the evidence should have been admitted into evidence at trial. Finally, Defendant merely makes a blanket allegation of ineffective assistance of counsel. Defendant says that his trial counsel was offered a plea, of which Defendant was never informed. However, Defendant does not create any factual basis that demonstrates that he was never informed of his plea or provide any legal authority in support of his claim. Thus, Defendant’s claim of ineffective assistance of counsel is conclusory.⁵

5. All three of Defendant’s claims are unsupported by the facts or any law. It is plain on the face of the record that Defendant is not entitled to relief. Defendant’s motion is **SUMMARILY DISMISSED**.

IT IS SO ORDERED.

Richard R. Cooch, J.

oc: Prothonotary
cc: Investigative Services
Raymond J. Otlowski, Esquire

⁵ *Jordan v. State*, 1994 WL 466142 (Del. Supr.); *State v. Brittingham*, 1994 WL 750341, * 2 (Del. Super.) (citing *Younger v. State*, 580 A.2d at 556 (holding that conclusory allegations are legally insufficient to prove ineffective assistance of counsel)).